

DEFENSE SECURITY
COOPERATION AGENCY,

Arlington, VA, November 28, 2016.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-72, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Poland for defense articles and services estimated to cost \$200 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16-72

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

- (i) Prospective Purchaser: Poland
- (ii) Total Estimated Value:
Major Defense Equipment* \$ 110 million
Other: \$ 90 million
Total: \$ 200 million
- (iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):
Seventy (70) AGM-158B Joint Air-to-Surface Standoff Missiles Extended Range (JASSM-ER)

Two (2) AGM-158B Flight Test Vehicles—Live Fire with TIK & FTS

Two (2) AGM-158B Mass Simulant Vehicles
One (1) AGM-158B Flight Test Vehicle—Captive Carry

Three (3) AGM-158B Separation Test Vehicles

Non-MDE includes:

Two (2) AGM-158B Weapon System Simulators, F-16 operational flight plan upgrade for the Polish F-16C/D, JASSM-ER integration, missile containers, spare and repair parts, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support.

(iv) Military Department: Air Force (X7-D-YAD).

(v) Prior Related Cases, if any: PL-D-SAC, PL-D-YAB and amendments.

(vi) Sales Commission, Fee, etc.. Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex Attached.

(viii) Date Report Delivered to Congress: November 28, 2016.

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Poland—JASSM-ER with Support

The Government of Poland has requested a possible sale of seventy (70) AGM-158B Joint Air-to-Surface Standoff Missiles Extended Range (JASSM-ER), two (2) AGM-158B Flight Test Vehicles, two (2) AGM-158B Mass Simulant Vehicles, one (1) AGM-158B Flight Test Vehicle—Captive Carry, three (3) AGM-158B Separation Test Vehicles. Also included are two (2) AGM-158B Weapon System Simulators, F-16 operational flight plan upgrade for the Polish F-16C/D, JASSM-ER integration, missile containers, spare and repair parts, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering,

technical and logistics support services, and other related elements of logistical and program support. The total estimated program value is \$200 million.

The proposed sale will contribute to the foreign policy and the national security objectives of the United States by helping to improve the security of a NATO ally. Poland continues to be an important force for political stability and economic progress in Central Europe.

The proposed sale will improve Poland's capability to meet current and future threats of enemy air and ground weapons systems. Poland will use the enhanced capability as a deterrent to regional threats and to strengthen its homeland defense. These weapon and capabilities upgrades will allow Poland to strengthen its air-to-ground strike capabilities and increase its contribution to future NATO operations. Poland will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be the Lockheed Martin Corporation of Ft. Worth, Texas. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Poland.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 16-72

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology

1. The AGM-158B JASSM ER is an extended range low-observable, highly survivable subsonic cruise missile designed to penetrate next generation air defense systems en-route to target. It is designed to kill hard, medium-hardened, soft and area type targets. The extended range over the baseline was obtained by going from a turbo-jet to a turbo-fan engine and by reconfiguring the fuel tanks for added capacity. Classification of the technical data and information on the AGM-158's performance, capabilities, systems, sub-systems, operations, and maintenance will range from UNCLASSIFIED to SECRET.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Poland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to further the US foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal are authorized for release and export to Poland.

REMOVAL OF NOMINATION
OBJECTION

Mr. WYDEN. Mr. President, now more than ever, we need strong leadership at the FCC to protect consumers from consolidated powers in the tele-

communications industry. Noncontentious issues should be passed and implemented so Americans have access to wireless broadband and voice services in their communities and access to video programming for the blind and visually impaired can be expanded and consumers can be protected from excessive cable and internet costs.

I was given the assurance that Commissioner Rosenworcel is committed to working toward consensus on all items before the Commission this year, including the Mobility Fund that provides support for wireless and voice service in rural America. For that reason, I lift my hold on her nomination.

TRIBUTE TO ALEJANDRO
MAYORKAS

Mr. CARPER. Mr. President, today I wish to express my profound appreciation and best wishes to my friend, Alejandro Mayorkas, who recently stepped down as the Deputy Secretary of the Department of Homeland Security. During his 7 years of public service at DHS, Ali has been a dedicated and thoughtful leader and was instrumental to the advancement and accomplishments at the Department.

Ali arrived at DHS in 2009 with an already impressive record in public service which included over 20 years of distinguished service in law enforcement. As an assistant U.S. attorney for the Central District of California, he aggressively prosecuted drug traffickers, human smugglers, and violent criminals. As U.S. attorney for the Central District of California, he led the largest Federal judicial office in the United States and was appointed by then Attorney General Janet Reno to serve on her advisory committee on ethics and government. Ali continued his public service as the Director of U.S. Citizenship and Immigration Services, USCIS, where he oversaw a \$3 billion annual budget and led a workforce of 18,000 individuals. To that end, Ali's accomplishments as the USCIS Director included the development of the special parole program which worked to rescue children who tragically lost their parents to the January 2010 earthquake in Haiti. He continued his humanitarian efforts and dedication to help orphan children by creating a program that allowed international adoption of orphans in Guatemala. These stunning achievements have been widely praised by many who have had the honor to work alongside Ali.

In his most recent role as Deputy Secretary of Homeland Security, Ali served as the second-in-command of the third largest Department in the U.S. Government. In this role, Ali ensured that a \$60 billion budget was spent wisely and effectively, while at the same time leading a workforce of nearly 230,000 individuals. Like a true leader, Ali understands the importance of taking care of the Department's employees and recognizes that they are its greatest asset. He worked tirelessly